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Jacek Grabiec

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SCHWEGMAN, LUNDBERG & WOESSNER/WMS GAMING

P.O. BOX 2938

MINNEAPOLIS, MN 55402

EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/765,024
Filing Date: January 26, 2004
Appellant(s): GRABIEC, JACEK

John M. Dahl
For Appellant

EXAMINER'S ANSWER

This is in response to the supplemental appeal brief filed 17 August 2009 appealing from the Office action mailed 28 November 2008.

(1) Real Part in Interest

A statement identifying by name the real party in interest in contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

U.S. PGPUB 2004/0072611	Wolf	04-2004
U.S. Patent No.: 4,459,673	Shibazaki	07-1984

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23, 25-30, and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf et al. (US 2004/0072611 A1, hereinafter Wolf) in view of Shibazaki et al. (US 4,459,673, hereinafter Shibazaki).

Re claims 1, 10, 12, 21, 23, 27-30, 33-35: Wolf discloses a computerized gaming system comprising a gaming module/controller 100, comprising a processor 104 and gaming code/program memory 102 which is operable when executed on the

processor to conduct a game of chance on which monetary value can be wagered (see Fig. 3; ¶ [0057]; ¶ [0006]), and an audio module/sound circuit 112 and speakers 62 (see Fig. 3). Wolf further discloses game technical information may be presented to a game administrator via a series of configuration and troubleshooting menus (see Figs. 22-26). A game administrator troubleshooting the system is operating in a different mode than an ordinary user & causes the system to leave a normal game mode & enter into a service mode.

However, Wolf fails to disclose the audio module is operable to report information comprising game technical information to the game administrator by a voice played via the audio module, wherein the audio module is made active to report game technical information as a result of a wagering game malfunction.

Shibazaki discloses a copier equipped with a system for transmitting information by voice. The copier informs the user of malfunctions (e.g. paper jams, or out of paper) by a voice (see abstract; col. 1, line 43 - col. 2, line 4).

Therefore, in view of Shibazaki, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add the feature of reporting game technical information via a voice in response to a malfunction in order to provide an alternative or supplementary way of informing operators of errors. Error indicators, such as a buzzer or display, may be missed or overly distracting (see col. 1, lines 19-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the monitoring system of Shibazaki to the gaming machine of Wolf in order to monitor the state of gaming machine. Such a combination constitutes the use

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of a known technique (monitoring a machine and using voice warning messages) to improve similar devices in the same way.

Re claims 2 and 3: The teachings of Wolf as modified by Shibazaki as applied to claim 1 above have been discussed. Wolf further discloses the computerized gaming system comprises a mechanical user interface/mechanical reel slot machine interface (see ¶ [0051], lines 1-3).

Re claim 4: The teachings of Wolf as modified by Shibazaki as applied to claim 1 above have been discussed. Wolf further discloses the game technical information comprises a game setup menu/game options and a game troubleshooting menu/diagnostics (see Figs. 22-26).

Re claims 5 and 6: The teachings of Wolf as modified by Shibazaki as applied to claim 1 above have been discussed. Shibazaki further discloses the audio module is operable to report error condition information upon actuation by a game administrator (i.e. when the door is open) (see abstract).

Re claim 7: The teachings of Wolf as modified by Shibazaki as applied to claim 1 above have been discussed. Wolf discloses a monitoring module operable to monitor the state of one or more components of the computerized gaming system (event logs, see Figs. 22-26; monitors bets, see Fig. 8). The system of Shibazaki also monitors components (in this case, a copier) and is operable to report the monitored information to a technician/operator via a voice (see abstract; Figs. 5 and 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the monitoring system of Shibazaki to the gaming machine of Wolf in order to monitor the

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state of gaming machine. Such a combination constitutes the use of a known technique (monitoring a machine and using voice warning messages) to improve similar devices in the same way.

Re claim 8: The teachings of Wolf as modified by Shibazaki as applied to claim 1 above have been discussed. Shibazaki further discloses that audio module is operable to convey information regarding a current copying action (analogous to an executing game of chance) (see col. 6, lines 23-39). It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the monitoring system of Shibazaki to the gaming machine of Wolf in order to monitor the state of gaming machine. Such a combination constitutes the use of a known technique (monitoring a machine and using voice warning messages) to improve similar devices in the same way.

Re claim 9: The teachings of Wolf as modified by Shibazaki as applied to claim 1 above have been discussed. Shibazaki further discloses the audio module is operable to report information comprising technical information when the machine/copier is not functioning (e.g. a paper jam) (see abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the monitoring system of Shibazaki to the gaming machine of Wolf in order to monitor the state of gaming machine. Such a combination constitutes the use of a known technique (monitoring a machine and using voice warning messages) to improve similar devices in the same way.

Re claim 11: The teachings of Wolf as modified by Shibazaki as applied to claim 1 above have been discussed. The audio module of Shibazaki is inherently operable to report information in at least one language since it reports the information by voice (see abstract).

Re claims 13 and 14: The teachings of Wolf as modified by Shibazaki as applied to claim 12 above have been discussed. Wolf further discloses the computerized gaming system comprises a mechanical user interface/mechanical reel slot machine interface (see ¶ [0051], lines 1-3).

Re claim 15: The teachings of Wolf as modified by Shibazaki as applied to claim 12 above have been discussed. Wolf further discloses a game setup menu/game options and a game troubleshooting menu/diagnostics (see Figs. 22-26).

Re claim 16: The teachings of Wolf as modified by Shibazaki as applied to claim 12 above have been discussed. Shibazaki further discloses the technical information comprises error condition information (see abstract).

Re claim 17: The teachings of Wolf as modified by Shibazaki as applied to claim 12 above have been discussed. Shibazaki further discloses the game technical information is reported upon actuation by the game administrator. The system produces voice only when manual-starting or door-opening is sensed which would be performed by an administrator (see abstract).

Re claim 18: The teachings of Wolf as modified by Shibazaki as applied to claim 12 above have been discussed. Wolf further discloses monitoring the state of one or more components of the computerized gaming system (event logs, see Figs. 22-26; bet

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monitoring, see Fig. 8). The system of Shibazaki also monitors components (in this case, a copier) and is operable to report the monitored information to a technician/operator via a voice (see abstract; Figs. 5 and 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the monitoring system of Shibazaki to the gaming machine of Wolf in order to monitor the state of gaming machine. Such a combination constitutes the use of a known technique (monitoring a machine and using voice warning messages) to improve similar devices in the same way.

Re claim 19: The teachings of Wolf as modified by Shibazaki as applied to claim 12 above have been discussed. Shibazaki further discloses that audio module is operable to convey information regarding a current copying action (analogous to an executing game of chance) (see col. 6, lines 23-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the monitoring system of Shibazaki to the gaming machine of Wolf in order to monitor the state of gaming machine. Such a combination constitutes the use of a known technique (monitoring a machine and using voice warning messages) to improve similar devices in the same way.

Re claim 20: The teachings of Wolf as modified by Shibazaki as applied to claim 12 above have been discussed. Shibazaki further discloses the audio module is operable to report information comprising technical information when the machine/copier is not functioning (e.g. a paper jam) (see abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the monitoring system of Shibazaki to the gaming machine of Wolf in order to monitor the state of gaming machine. Such a combination constitutes the use of a known technique (monitoring a machine and using voice warning messages) to improve similar devices in the same way.

Re claim 22: The teachings of Wolf as modified by Shibazaki as applied to claim 12 above have been discussed. The audio module of Shibazaki is inherently operable to report information in at least one language since it reports the information by voice (see abstract).

Re claim 25: The teachings of Wolf as modified by Shibazaki as applied to claim 23 above have been discussed. Wolf further discloses the computerized gaming system comprises a game having a mechanical interface operable to convey results of the game of chance (see ¶ [0051]), lines 1-3).

Re claim 26: The teachings of Wolf as modified by Shibazaki as applied to claim 23 above have been discussed. Wolf further discloses the audio module is further operable to convey audio to a player of the game of chance (see ¶ [0050]).

Re claim 32: The teachings of Wolf as modified by Shibazaki as applied to claim 27 above have been discussed. Shibazaki further reporting information to a game administrator through voice via an audio module in a selected language (at least one language is inherently selected by the designer).

Claims 24 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf and Shibazaki as applied to claims 23 and 27 above, and further in view of Wesemann et al. (US 6,731,724 B2, hereinafter Wesemann).

The teachings of Wolf and Shibazaki as applied to claims 23 and 27 above have been discussed. Wolf further discloses information is contained in menus.

However, Wolf and Shibazaki fail to disclose reporting information to a game administrator via an audio module comprises conveying a hierarchal menu by voice.

Wesemann teaches hierarchal menus conveyed by voice (see Fig. 6; col. 4, lines 25-29).

Therefore, in view of Wesemann, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add hierarchal menus conveyed by voice in order to provide an interactive menu to the game administrator so that the administrator can navigate more efficiently through the information.

(10) Response to Argument

I. Background

The Board should affirm because this is a simple case of combining well-known prior art elements in a known manner to produce predictable results. Furthermore, there is explicit motivation for modification.

Appellant seeks to patent a device that happens to feature a speaker for outputting service information. Appellant concedes that Wolf discloses a service mode. (Appellant's Brief, Page 13). Appellant also concedes that Shibazaki teaches voice

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prompts for fixing device malfunctions. (Appellant's Brief, Page 12). Apparently, Appellant contends that combining these known elements would neither have been obvious to a person of ordinary skill in the art at the time of Appellant's invention nor likely to yield predictable results. Since this is clearly not the case, the Board should affirm.

Wolf discloses a machine with a service interrupt granting maintenance personnel access to diagnostics, accounting & event logs. See Wolf, Figs. 4, 22. Shibazaki teaches a machine outputting audible messages alerting personnel of malfunctions. See Shibazaki, Abstract, Figures 5 & 6. Shibazaki teaches that audio messages help personnel identify malfunctions & hence, are more desirable than mere text displays indicating malfunctions. See Shibazaki Col. 1. Lines 28-40. Combining these known elements produces the predictable results of a machine audibly reporting technical data to personnel. Therefore, given the explicit motivation & predictable results, the Board should affirm.

II. Response to Appellant's arguments

The Board should also affirm because Appellant's arguments are not persuasive. Appellant contends that Shibazaki's audible indication of malfunctions is not a service mode distinct from a user mode. (Appellant's Brief, Page 12.) Appellant's position is untenable because fixing a malfunction, by definition, requires service.

Appellant's argument about Shibazaki's unsophisticated users resolving minor problems is unpersuasive because user sophistication is simply not at issue here. What

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is at issue is the secondary reference's unequivocal teaching of an audio module indicating malfunctions. See Shibazaki, Col. 1. Lines 46-51. This is the Shibazaki reference's relevant teaching.

Shibazaki's system only malfunctions when used. When it malfunctions, it enters a service mode and the user hears an audio message. The person capable of fixing the malfunction does so & normal operation resumes.

Like Appellant's invention, the primary reference, Wolf, is a gaming machine with a service mode initiated by an administrator. See Wolf ¶ 62. Wolf's administrator places the machine into service mode and accesses technical, configuration data via menus. See Wolf Fig. 22. Upon completion of service tasks, normal operation resumes.

Since both Wolf and Shibazaki disclose machines with service modes, they are analogous. Moreover, Shibazaki provides motivation by teaching that audio messages for indicating service information are more desirable than mere text displays. See Shibazaki Col. 1. Lines 28-40.

The modification would work just as one would expect it to – After sending a service interrupt (See Wolf, Figure 4, 202), Wolf's administrator would receive service information from a speaker (an audio module) & resolve any issues. When the administrator finishes servicing the machine, it would resume normal operation. Since known changes to the prior art utilizing known methods yielding predictable results is considered obvious, the Board should affirm.

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(11) Related Proceeding(s) Appendix

No decision rendered by a Board or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Omkar Deodhar/
Examiner, AU 3714

Conferees
/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit 3714

/Peter D. Vo/
Supervisory Patent Examiner, Art Unit 3714